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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,969	10/05/1999	JENNIE CHING	BC9-99-024	1335

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EXAMINER

CHUNG, JASON J

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 09/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,969

Applicant(s)

CHING ET AL.

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☒ Claim(s) 8-10, 13 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/25/03 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 8-9 are objected to because of the following informalities: lines 1-2 of claims 8-9 state, "wherein the step of receiving at least one multimedia segment". Lines 2-3 of claims 8-9 state, "includes receiving one multimedia segment of". The examiner interprets the statements to be interchanged to give proper antecedence as depicted in the corresponding claims 3-4, 25-26. Appropriate correction is required.

Claims 10, 27 are objected to because of the following informalities: claims 10 and 27 are a recitation of a feature of the independent claim they depend on. Appropriate correction is required.

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Claim 13 is objected to because of the following informalities: line 1 of claim 13 states, "method of claim 11 for distributing program content of claim 10. The examiner interprets claim 11 to instead state, "method of claim 11". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Picco (US Patent # 6,029,045).

Regarding claim 1, Picco discloses the data transmission facility assembles and transmits individualized instructions (play-list) to each set-top box and the instructions indicate what local content should be stored and when each piece of local content should be inserted into the live data streams (column 3, lines 1-13), which meets the limitation on receiving a playlist and program content from a program provider wherein the playlist is a list of instructions for rendering the multimedia segments into a multimedia presentation. Picco discloses the broadcaster can deliver geographically localized content (column 2, lines 49-58). Picco discloses the broadcaster segments its viewers so advertisers may target their commercials at a particular portion of the broadcaster's audience (column 2, lines 59-67).

Picco discloses the uplink facility 102 (figure 4, column 6, lines 42-56). Picco discloses the uplink facility multiplexes local content (segments) with the live digital stream and viewer information is feedback to the uplink facility to provide data about households (column 6, line 57-column 7, line 32). Picco discloses a scheduler transmits control information instructing the settop box and each piece of local content has a content profile associated with it which determines which users may be downloaded (column 7, lines 33-61). Picco discloses the content profile indicating only the houses in a geographic region having a specific zip code should store particular content (column 7, line 61-column 8, line 6), which meets the limitation on the playlist is based on demographics including zip code set by the program provider. Picco discloses a private data feed may provide local content to the set top box (column 8, lines 23-55).

Picco discloses the individualized instructions (playlist) transmitted from the data transmission facility indicate which piece of local content (multimedia segments required) should be stored and inserted into the live data stream (column 3, lines 1-13), which meets the limitation for receiving from the program provider the multimedia segments required by the playlist.

Picco discloses the local content (segment) is output to a television to be viewed by a viewer (column 12, lines 24-36), which meets the limitation on receiving multimedia presentation on the display by rendering the segments directed by the playlist.

Regarding claim 2, as disclosed in claim 1 rejections, Picco discloses the selected pieces of the local content are stored in the set top box (column 3, lines 14-30).

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Regarding claim 3, Picco discloses the local content (segments) may be transmitted from a satellite system, a cable based system, or any other type (column 4, lines 51-65), which meets the limitation on receiving over a broadcast infrastructure.

Regarding claim 4, Picco discloses the database provides local content of advertisements (column 6, lines 57-61). Picco discloses the system could use a network such as the Internet to broadcast the targeted commercial (column 14, lines 58-67); a network has a server computer (program provider) that will have the database memory (computer readable medium) of local content to provide to the user.

Regarding claim 5, Picco discloses the local content (segments) may be transmitted from a satellite system, a cable based system, or any other type (column 4, lines 51-65), which meets the limitation on receiving over a telecommunications network.

Regarding claim 6, Picco discloses the system could use the Internet to broadcast the targeted commercial (column 14, lines 58-67).

Regarding claim 7, Picco discloses the local content (segment) is output to a television to be viewed by a viewer (column 12, lines 24-36).

Regarding claim 8, Picco discloses the local content (segment) are advertisements (column 12, lines 37-58).

Regarding claim 9, Picco discloses the live data streams may be digital (column 3, lines 7-10). Picco discloses the splicer determines which piece of local content to insert based on the size of the space in the programming data stream (column 10, line 58-column 11, line 13); digital data streams are segmented by bits, when the space for the local content is finished, the playlist will indicate for the local content to stop splicing and will switch to displaying the live data

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stream. The respective portions of the live digital data stream before and after the splicing also read on segments.

Regarding claim 10, as disclosed in claim 1 rejection, the play-list is based on the geographic region of the viewer, which meets the limitation on based on demographics of the viewer.

Regarding claims 11-12, 14-17, the limitations in claim 11-12, 14-17 has been met in claims 1-6 rejections.

Regarding claim 13, as disclosed in claim 1 rejection, Picco discloses the scheduler provides control information comprising a content profile that indicates that households in certain geographic regions should store the content (column 2, lines 49-58 and column 7, line 61-column 8, line 6), which mets the limitation on grouping one or more clients receiving a playlist based on demographics of the viewers multimedia presentation and transmitting identical playlist to one or more clients based on the grouping.

Regarding claims 18-27, the limitations in claim 18-27 has been met in claims 1-10 rejections. Picco discloses the system could use a network such as the Internet to broadcast the targeted commercial (column 14, lines 58-67); a network has a server computer (program provider) that will have the database memory (computer readable medium) of local content to provide to the user.

Regarding claims 28-33, the limitations in claims 28-33 has been met in claims 1-6 rejections. Picco discloses a system claims 1-17

Conclusion


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

JJC


ANDREW FAILE
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